



Centers for Disease Control
and Prevention (CDC)
Atlanta GA 30333

November 28, 2016

Regional Freedom of Information Officer
U.S. EPA, Region 9
75 Hawthorne Street (OPA-2)
San Francisco, CA 94105
(415) 947-4251

Dear FOIA Officer:

The Centers for Disease Control received the enclosed Freedom of Information Act request from Carey Gillam. Mr. Gillam is seeking communications between Ileana Arias, Barbara Brooks, Fenix Grange, Paula Alston, Margery Bronster and/or any agency officials and outside parties regarding the Toxic Substances and Disease Registry (ATSDR)'s August 15, 2016, denial to conduct a public health assessment of the pesticide use on the crop fields at Kaua'i and/or Hawaii (Date range: October 1, 2014 to August 30, 2016).

REFERRAL FOR DIRECT RESPONSE

Documents belonging to your agency are being referred to you for your review and direct response to the requester. A total of 12 pages are referred.

☒ CDC has no concerns with the release of any CDC equity on these pages.

We have advised the requester of this referral to your agency (CDC final response letter enclosed).

If you have any questions about this referral/consultation, please contact Irma Diaz at 770-488-6310.

Sincerely,

Roger Andoh
CDC/ATSDR FOIA Officer
Office of the Chief Information Officer
(770) 488-6399
Fax: (404) 235-1852

Rodenbeck, Sven (ATSDR/DCHI/OD)

From: Cooper, Pam <Cooper.Pam@epa.gov>
Sent: Thursday, March 05, 2015 3:19 PM
To: Rodenbeck, Sven (ATSDR/DCHI/OD); Vianu, Libby (EPA) (CDC epa.gov); Grisier, Mary
Subject: RE: Kauai GMO Test Field Pesticide Petition

Thank you Sven, for the information. Its interesting to know what limits your involvement (or not). I suspect we may want to spend some time on your authorities on the call today.

Several of the terms you use give me pause. I've outlined very quickly my thinking on some of this...but I think we may both need our lawyers.

Quick thoughts:

Pesticides are not applied by permit (at least in most areas).

I don't know if they would be considered a contaminant. Pesticides may fit as a contaminant if, for example, there are residues on food that should not be there. But...if pesticide use was according to the label, high residues should not be there.

They are not a "release " as I think of it, (a "non-controlled" release), but there again we may need the lawyers. They are purposely introduced into the environment.

As a contaminant, would levels found need to be over a certain threshold (the Hawaii study of water was very low as I recall).

Talk to you soon.

Pc

Pamela Cooper, Manager
Pesticides Office (LND-2-2)
US EPA, Region 9
San Francisco, CA
415.947.4217

From: Rodenbeck, Sven (ATSDR/DCHI/OD) [mailto:svr1@cdc.gov]
Sent: Thursday, March 05, 2015 10:23 AM
To: Vianu, Libby; Grisier, Mary; Cooper, Pam
Subject: RE: Kauai GMO Test Field Pesticide Petition

Hey Everyone!

I am looking forward to our discussions about the petition that ATSDR received concerning the pesticide applications on Kauai.

So that you have some additional background information on the ATSDR petition program, I have summarized our statutory authority below:

- Petition Program Authorizing Language—SARA amendment to CERCLA:
 - 42 U.S. Code, Chapter 103, Subchapter I, § 9604 - Response authorities
 - (i) Agency for Toxic Substances and Disease Registry; establishment, functions, etc.
 - (6)(B) The Administrator of ATSDR may perform health assessments for releases or facilities where individual persons or licensed physicians provide information that individuals have been exposed to a hazardous substance, for which the probable source of such exposure is a release. In addition to other methods (formal or informal) of providing such information, such individual persons or licensed physicians may submit a petition to the Administrator of ATSDR providing such information and requesting a health assessment. If such a petition is submitted and the Administrator of ATSDR does not initiate a health assessment, the Administrator of ATSDR shall provide a written explanation of why a health assessment is not appropriate.
 - (18) If the Administrator of ATSDR determines that it is appropriate for purposes of this section to treat a pollutant or contaminant as a hazardous substance, such pollutant or contaminant shall be treated as a hazardous substance for such purpose.

The paragraph (6)(B) provides the general authority to conduct public health assessments for petition requests. I have included paragraph (18) because that paragraph provides ATSDR with the flexibility to address not only hazardous materials as defined under CERCLA but also any "...pollutant or contaminant as a hazardous substance." In addition, the August 18, 1992, Federal Register announcement (Vol 57, No 160: 37382-9) concerning the ATSDR petition program, the term "Hazardous Substance" is defined to include "...any pollutant or contaminant that the Administrator determines is appropriate for carrying out his or her responsibilities under CERCLA." Please note that the only restriction placed on ATSDR public health assessment and petition authorities, under CERCLA, is the general CERCLA oil exemption. There is no language in CERCLA that I am aware of that prohibits ATSDR from conducting public health assessments concerning releases to the environment that happen to be regulated by a permit. ATSDR Office of General Counsel has indicated to me several times there is no language in CERCLA that would restrict ATSDR from evaluating a permitted pollutant or contaminant release into the environment.

Attached is our old Federal Registry announcement that outlines how we generally implement the ATSDR petition program.

- Received over 900 requests since the program began in 1987.
 - In recent years, we've received about 25-30 petitions each year. So far in FY 2015, we've 6 received petitions.
 - In FY12 ATSDR recommended that a health consultation be conducted for 6 of the 25 (24%) petitions received (4 to be conducted by cooperative agreement state partners and 2 to be conducted by DCHI staff)

Sven

Sven E. Rodenbeck, Sc.D., P.E., BCEE
 Rear Admiral (retired), USPHS
 Petition Coordinator
 ATSDR/DCHI - Mailstop F59
 1600 Clifton Road, NE
 Atlanta, GA 30333
 Office Telephone: (770) 488-3660
 Cell Telephone: (404) 729-5041
 FAX: (770) 488-1543

Machinatores Vitae
(Engineering for Life)



From: Vianu, Libby (EPA) (CDC epa.gov)
Sent: Tuesday, March 03, 2015 1:22 PM
To: Grisier, Mary; Cooper, Pam
Cc: Rodenbeck, Sven (ATSDR/DCHI/OD)
Subject: FW: Kauai GMO Test Field Pesticide Petition

Hi Mary,

Here is the redacted version of the petition. Thank you for meeting with us.

I will send out a calendar invitation.

Libby Vianu
Regional Representative
ATSDR Region IX
75 Hawthorne Street
Suite 100, HHS-100
San Francisco, CA 94105
Office Phone (415) 947-4319
Cell Phone (415) 203-2238

From: Rodenbeck, Sven (ATSDR/DCHI/OD) [<mailto:svr1@cdc.gov>]
Sent: Tuesday, March 03, 2015 10:17 AM
To: Vianu, Libby
Subject: Kauai GMO Test Field Pesticide Petition

Hey Libby!

Here is the petition.

Sven

Sven E. Rodenbeck, Sc.D., P.E., BCEE
Rear Admiral (retired), USPHS
ATSDR/DCHI - Mailstop F59
1600 Clifton Road, NE

Atlanta, GA 30333
Office Telephone: (770) 488-3660
Cell Telephone: (404) 729-5041
FAX: (770) 488-1543

Machinators Vitae
(Engineering for Life)



Vianu, Libby

From: Vianu, Libby
Sent: Thursday, June 25, 2015 10:47 AM
To: Grisier, Mary
Subject: RE: Meeting with Kauai Councilperson Gary Hooser

Great. I will see you there.

Libby Vianu
Regional Representative
ATSDR Region IX
75 Hawthorne Street
Suite 100, HHS-100
San Francisco, CA 94105
Office Phone (415) 947-4319
Cell Phone (415) 203-2238

From: Grisier, Mary
Sent: Thursday, June 25, 2015 10:46 AM
To: Vianu, Libby
Subject: RE: Meeting with Kauai Councilperson Gary Hooser

I think that Kathy Taylor would like us all to meet together, so why don't you just meet us in #3411?

From: Vianu, Libby
Sent: Thursday, June 25, 2015 10:39 AM
To: Grisier, Mary
Subject: RE: Meeting with Kauai Councilperson Gary Hooser

That would be fine if he wants to come here to our office also. I can meet you upstairs also if that would be easier. I have talked to him on the phone prior to he and the group sending the petition. He may not have realized we are in the same building.

Thank you,

Libby Vianu
Regional Representative
ATSDR Region IX
75 Hawthorne Street
Suite 100, HHS-100
San Francisco, CA 94105
Office Phone (415) 947-4319
Cell Phone (415) 203-2238

From: Grisier, Mary
Sent: Thursday, June 25, 2015 10:35 AM
To: Vianu, Libby
Subject: RE: Meeting with Kauai Councilperson Gary Hooser

Hi Libby,
The phone number in room 3411 is (415)947-4245.
Should I pick you up when I get Mr. Hooser?

From: Vianu, Libby
Sent: Tuesday, June 23, 2015 3:04 PM
To: Grisier, Mary
Subject: RE: Meeting with Kauai Councilperson Gary Hooser

Thanks. Do you know the phone number in the room? I would like to invite our petition coordinator, Sven Rodenbeck, in Atlanta to call in for the meeting.

Libby Vianu
Regional Representative
ATSDR Region IX
75 Hawthorne Street
Suite 100, HHS-100
San Francisco, CA 94105
Office Phone (415) 947-4319
Cell Phone (415) 203-2238

-----Original Appointment-----

From: Grisier, Mary
Sent: Tuesday, June 23, 2015 2:51 PM
To: Taylor, Katherine; Cooper, Pam; Vianu, Libby
Subject: Meeting with Kauai Councilperson Gary Hooser
When: Monday, June 29, 2015 10:00 AM-11:00 AM (UTC-08:00) Pacific Time (US & Canada).
Where: R9-Room-3411-10-GilaRiver

He has only requested 30 minutes but I have reserved the room for an hour, just in case.

Vianu, Libby

From: Vianu, Libby
Sent: Thursday, June 25, 2015 10:39 AM
To: Grisier, Mary
Subject: RE: Meeting with Kauai Councilperson Gary Hooser

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ATSDR Region IX
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Office Phone (415) 947-4319
Cell Phone (415) 203-2238

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To: Grisier, Mary
Subject: RE: Meeting with Kauai Councilperson Gary Hooser

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Libby Vianu
Regional Representative
ATSDR Region IX
75 Hawthorne Street
Suite 100, HHS-100
San Francisco, CA 94105

Office Phone (415) 947-4319
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From: Grisier, Mary

Sent: Tuesday, June 23, 2015 2:51 PM

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Subject: Meeting with Kauai Councilperson Gary Hooser

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Where: R9-Room-3411-10-GilaRiver

He has only requested 30 minutes but I have reserved the room for an hour, just in case.

Vianu, Libby

From: Vianu, Libby
Sent: Thursday, March 05, 2015 3:17 PM
To: Grisier, Mary
Subject: RE: Kauai Info

Thanks Mary! 10:00 on Thursday would be great.

Libby Vianu
Regional Representative
ATSDR Region IX
75 Hawthorne Street
Suite 100, HHS-100
San Francisco, CA 94105
Office Phone (415) 947-4319
Cell Phone (415) 203-2238

From: Grisier, Mary
Sent: Thursday, March 05, 2015 2:38 PM
To: Vianu, Libby
Subject: Kauai Info

Libby,
It was great to meet you this afternoon. If you don't mind, I'd like to wait to schedule our meeting until my colleague, Patti Tenbrook is back next week. Tentatively, though, perhaps we can plan to meet on Thursday am sometime, maybe 9:00 or 10:00?

Below is some helpful information on pesticide issues on Kauai. I mentioned the Good Neighbor Policy, which although it expired in December, the parties have agreed to continue to report their use of restricted use pesticides.

Good Neighbor Program Restricted Use Reporting
<https://data.hawaii.gov/Health/Kauai-Agricultural-Good-Neighbor-Program-RUP-Use-/9pud-c8q5>

Literature review on Atrazine –mandated by HCR 129
<http://lauhala.com/hinano/20131226-011422-DOH-Atrazine12-13.pdf>

The HDOH recommends additional stream and near shore water sampling for atrazine and other commonly used pesticides to determine whether benchmarks are being exceeded. The HDOH secured limited funding and support through a partnership with the United States Geological Survey (USGS) and HDOA and intends to conduct near shore and stream sampling for a broad spectrum of currently used pesticides in the next several months. The results of the stream sampling will be made available to the legislature and public upon completion of the study.

Mary Grisier

Life Scientist
US EPA Region 9, Pesticides Office

75 Hawthorne Street
Land Division (LND 2-2)
San Francisco, CA 94105
phone (415)947-4213
fax (415)947-3583

Vianu, Libby

From: Vianu, Libby
Sent: Wednesday, February 25, 2015 1:15 PM
To: Menghrajani, jacquelyn; Cooper, Pam
Cc: Priselac, Adrienne
Subject: RE: Pesticides in Kauai

Hi Jackie,

Thanks for the information. Pam Cooper and I are playing phone tag.

I arranged for Dean Baker to meet with Hawaii DOH to help them address any health education needs related to the pesticide issue in Kauai. I had originally contacted him as an AOEC effort and not PEHSU. I guess it falls under both. Dean was in Honolulu for a conference and he took some time to meet with our contacts at DOH. I don't think anything came of it and DOH has made no request for further assistance.

I will keep you posted as things develop.

Libby Vianu
Regional Representative
ATSDR Region IX
75 Hawthorne Street
Suite 100, HHS-100
San Francisco, CA 94105
Office Phone (415) 947-4319
Cell Phone (415) 203-2238

From: Menghrajani, jacquelyn
Sent: Wednesday, February 25, 2015 12:59 PM
To: Vianu, Libby; Cooper, Pam
Cc: Priselac, Adrienne
Subject: RE: Pesticides in Kauai

Hi Libby,

Hope you're doing well!

I was out of the office for a week and just returned this afternoon, so I'm sorry for taking a while to respond to your email!

Our CEH Program hasn't been involved in responding to pesticide concerns in Kauai. Back in 2012, I facilitated discussions between Hawaii DOH and Phoebe Eng (a community organizer) to resolve concerns about the Kekaha Landfill in Kauai. We did not discuss pesticide exposure in length during our calls a couple years ago, but Phoebe did mention that Kauai communities were concerned with GMOs and pesticides.

I'm unsure if our Pesticides Office has been involved, so I've included Pam Cooper on this email. Pam is the section chief of our Pesticides Office and would be able to tell you whether her staff have been involved.

Dean Baker of the PEHSU satellite office at UC Irvine has shared during our quarterly check-in calls that he has worked with Hawaii DOH to address pesticide concerns. I don't know if his work was focused on Kauai, but it may be useful for you to give him a call to get some background information if you haven't done so already.

Please let me know what else I can do to help respond to the concerns.

Thanks so much,

Jackie

Jacquelyn Menghrajani, MPH, CPH
US EPA Region 9
Children's Environmental Health Program
75 Hawthorne St., LND-2-1
San Francisco, CA 94105
Email: menghrajani.jacquelyn@epa.gov
Phone: 415-972-3259

From: Vianu, Libby
Sent: Thursday, February 19, 2015 1:01 PM
To: Menghrajani, jacquelyn
Subject: Pesticides in Kauai

Hi Jackie,

ATSDR received a citizen's petition to address pesticide issues on Kauai. This office and our Atlanta office will be responding to the petition. Right now we are in a fact finding part of the response. The petitioners have noted that there is a school and they are concerned with birth defects in the county. Are you aware of any EPA involvement with pesticide issues on Kauai? Do you know who I would contact in the Pesticide Program at EPA to find out if they have any information?

I am in the office if you would like to discuss this or need more information.

Thank you,

Libby Vianu
Regional Representative
ATSDR Region IX
75 Hawthorne Street
Suite 100, HHS-100
San Francisco, CA 94105
Office Phone (415) 947-4319
Cell Phone (415) 203-2238

From: [Viana, Bruno A. \(CDC/OCOO/OCIO\)](#)
To: [FOIA Requests \(CDC\)](#)
Subject: FW: FOIA CDC ATSDR
Date: Tuesday, November 08, 2016 12:23:38 PM
Attachments: [image001.png](#)

For login.

Bruno Viana

CDC/ATSDR Deputy FOIA Officer

BViana@cdc.gov

Office: 770-488-6246



Office of the Chief Information Officer
Freedom of Information Act (FOIA)

From: Carey Gillam [<mailto:careygillamnewsnow@yahoo.com>]
Sent: Tuesday, November 08, 2016 12:22 PM
To: Viana, Bruno A. (CDC/OCOO/OCIO) <cqy8@cdc.gov>
Subject: FOIA CDC ATSDR

Greetings Mr. Viana - I'm hoping you are the correct person to get this FOIA filed. If this should be directed to someone else, please let me know.

This is a request for all records, including emails, notes, letters, transcripts, or other communications that pertain to an October 2014 request from Pat Gegen of Kaua'i, Hawaii, for the CDC's Agency for Toxic Substances and Disease Registry (ATSDR)'s to conduct a public health assessment of the pesticide use on the crop fields at Kaua'i. ATSDR specifically denied that request in an August 15, 2016 letter to Gegen. I am NOT asking for the studies reviewed by ATSDR, but am asking for the communications between agency officials and any outside parties that pertain to the request and the decision to deny the request. This would include any emails, letters, transcripts or minutes of phone calls from the period October 1, 2014 to August 30, 2016 by and between Ileana Arias, and/or Barbara Brooks, and/or Fenix Grange, and/or Paul Alston, and/or Margery Bronster and anyone else whose communications include the search words Kaua'i or Kauai, and/or Hawaii.

Best regards,
Carey Gillam
Research Director
U.S. Right to Know
913-526-6190
careygillamNewsNow@yahoo.com
carey@usrtk.org
<https://twitter.com/careyvoillam>
<http://www.careygillam.com/>



Centers for Disease Control
and Prevention (CDC)
Atlanta GA 30333

November 28, 2016

Mr. Carey L Gillam
Research Director
U.S. Right to Know
5525 Golden Bear Drive
Overland Park, KS 66223
Via email: careygillamNewsNow@yahoo.com

Dear Mr. Gillam:

This letter is in response to your Centers for Disease Control and Prevention and Agency for Toxic Substances and Disease Registry (CDC/ATSDR) Freedom of Information Act (FOIA) request dated November 8, 2016, regarding communications between Ileana Arias, Barbara Brooks, Fenix Grange, Paula Alston, Margery Bronster and/or any agency officials and outside parties regarding the Toxic Substances and Disease Registry (ATSDR)'s August 15, 2016, denial of the request to conduct a public health assessment of the pesticide use on the crop fields at Kauai and/or Hawaii (Date range: October 1, 2014 to August 30, 2016).

We located 356 pages of responsive records. After a careful review of these pages, some information was withheld from release pursuant to 5 U.S.C. §552 Exemption b6.

EXEMPTION 6

Protects information in personnel and medical files and similar files when disclosure would constitute a clearly unwarranted invasion of personal privacy.

In addition, the search of CDC files produced records (12 pages) that originated with the Environmental Protection Agency (EPA). These documents were referred to the EPA for review and direct response to you. Contact information for EPA is provided below.

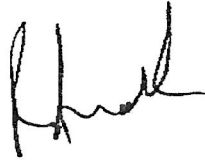
Regional Freedom of Information Officer
U.S. EPA, Region 9
75 Hawthorne Street (OPA-2)
San Francisco, CA 94105
(415) 947-4251

You may contact our FOIA Public Liaison at 770-488-6277 for any further assistance and to discuss any aspect of your request. Additionally, you may contact the Office of Government Information Services (OGIS) at the National Archives and Records Administration to inquire about the FOIA mediation services they offer. The contact information for OGIS is as follows: Office of Government Information Services, National Archives and Records Administration, 8601 Adelphi Road-OGIS, College Park, Maryland 20740-6001, e-mail at ogis@nara.gov; telephone at 202-741-5770; toll free at 1-877-684-6448; or facsimile at 202-741-5769.

Page 2 – Carey L Gillam

If you are not satisfied with the response to this request, you may administratively appeal by writing to the Deputy Agency Chief FOIA Officer, Office of the Assistant Secretary for Public Affairs, U.S. Department of Health and Human Services, 5600 Fishers Lane, Room 19-01, Rockville, Maryland 20857. Please mark both your appeal letter and envelope "FOIA Appeal." Your appeal must be postmarked or electronically transmitted by February 26, 2016.

Sincerely,

A handwritten signature in black ink, appearing to read 'Roger Andoh', with a stylized, cursive script.

Roger Andoh
CDC/ATSDR FOIA Officer
Office of the Chief Information Officer
(770) 488-6399
Fax: (404) 235-1852

Enclosure

17-00108-FOIA